IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6282 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SONABEN DAHYABHAI SHIYA

Versus

DY. COLLECTOR

Appearance:

1. Special Civil Application No. 6282 of 2002

MR DC SEJPAL for Petitioner No. 1

MR KP RAWAL, AGP for Respondent No. 1-2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 19/08/2003

ORAL JUDGEMENT

#. Rule. Mr.Rawal, learned AGP, waives service of rule for the respondents. With the consent of the parties,

the matter is taken up for final hearing today.

#. By filing this petition, the petitioner has prayed that, even though she is serving as part-time water server since more than 22 years, the Government is not considering her case for giving permanent status.

#. In response to the notice of this Court, an affidavit-in-reply has been filed by the Mamlatdar, Rajula. In the affidavit-in-reply, it is stated that the petitioner is serving as water server on ad hoc basis and serving hardly for 1 to 2 hours a day. Learned advocate for the petitioner submitted that, over and above the aforesaid work as water server, the petitioner is also doing some sweeping work, which is of about 4 to 5 hours a day. The petitioner has also annexed the order of the Mamlatdar passed as back as on 1.10.1981, which shows that the petitioner was doing the work of cleaning the office as part-time sweeper. In my view, it is not proper to continue a person for such a long time, i.e., for more than 22 years, on part-time basis.

#. Considering the facts and circumstances of the case, in my view, it is not just and proper to continue someone on such part time basis for more than 22 years. The petitioner is not even classified as a regular part-time employee. It is absolutely unjust to take work from the petitioner for about one hour or so for the last more than 22 years. Considering the aforesaid factual aspect of the matter, the Department is directed to consider the case of the petitioner for appointment as a regular part-time employee in a scale prescribed for such part-time employee, and as and when any regular vacancy is available, the Department may consider the case of the petitioner for regular appointment on Class IV post. Since the petitioner is already in service on such a part time basis since more than 22 years, her case for relaxation of age also may be considered. The claim of the petitioner may accordingly be considered in accordance with the Rules and Regulations and subject to what is stated above.

#. Subject to what is stated above, the petition stands disposed of. Rule is discharged with no order as to costs.

(P.B.Majmudar,J)
(pathan)